

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROGER SEDLACK,	:	1:12-cv-285
	:	
Petitioner,	:	
	:	Hon. John E. Jones III
v.	:	
	:	Hon. Martin C. Carlson
UNITED STATES OF AMERICA,	:	
	:	
Respondent	:	

MEMORANDUM

March 12, 2012

THE BACKGROUND OF THIS MEMORANDUM IS AS FOLLOWS:

On February 13, 2012, Petitioner Roger Sedlack (“Petitioner” or “Sedlack”) filed this instant action which is styled as a petition for writ of habeas corpus. (Doc. 1). The matter was assigned to Magistrate Judge Carlson for preliminary review, and the following day, Magistrate Judge Carlson issued a Report and Recommendation (“R&R”) in this matter. As discussed in the R&R, Petitioner is currently serving a federal sentence imposed by our colleague, United States District Judge William Caldwell, on July 7, 2011.¹ Sedlack currently has a direct appeal of his conviction and sentence pending before the United States Court of

¹ That criminal case is docketed at 1:09-cr-79, *United States of America v. Sedlack, et al.*

Appeals for the Third Circuit.² While this appeal was still pending, Sedlack filed the instant action, which was assigned to the undersigned. Notably, Sedlack has not filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255. We agree with Magistrate Judge Carlson that, given the curious posture of the proceedings in which Sedlack is involved, the best course of action is to transfer this matter to Judge Caldwell for him to determine whether the instant petition should be construed as a 28 U.S.C. § 2255 motion to vacate. Accordingly, we shall adopt the R&R and transfer this matter to Judge Caldwell for further proceedings. An appropriate Order shall issue.

² The United States Court of Appeals case number for Sedlack's appeal is 11-2892.